

ADMITTED IN:  
CALIFORNIA  
TEXAS

JEFFORY J. SCHARFF, ESQ.  
2625 FAIR OAKS BOULEVARD, SUITE 7  
SACRAMENTO, CALIFORNIA 95864  
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April 4, 2012

Hand Delivered

Todd A. Del Frate, P.G.  
Engineering Geologist  
Compliance and Enforcement Section  
California Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6114

California Regional Water  
Quality Control Board  
11020 Sun Center Drive, #200  
Rancho Cordova, CA 95670-6114

RECEIVED  
SACRAMENTO  
CVRWQCB  
12 APR -4 PM 4:13

Re: Administrative Civil Liability Complaint R5-2012-0516

Dear Mr. Del Frate:

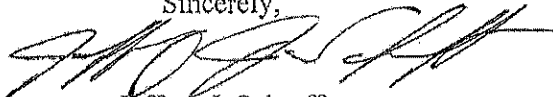
I am writing to you on behalf of Douglas M. Daggs, Trustee of the Sylvia Dellar Survivor's Trust with regard to the March 9, 2012 letter transmitting the Administrative Civil Liability Complaint. As directed in that correspondence I am responding to your attention.

The Trustee would like to ask that the hearing be postponed to facilitate settlement discussions. He would like to schedule a time to meet. He will have counsel for the Trust, Robert L. Bletcher, ESQ. myself and the Trust's Engineer Tim Crandall P.E. of Kleinfelder and a representative of the Contractor Doug Veerkamp General Engineering in attendance to respond to any technical issues or questions that may arise.

Given the foregoing the Trustee would like to exercise both options 2 and 3 and have indicated so accordingly on the attached waiver form. It is our understanding that the City of Sacramento is separately making a similar request. The Trust will continue to make every effort to cooperatively coordinate with the City in response to the Board's compliance directives.

Thank you. We will look forward to meeting with you soon.

Sincerely,



Jeffory J. Scharff

JJS:

cc: Douglas M. Daggs, Trustee  
Robert Bletcher, Esq.  
Wendy Wyels  
David Boyers, Esq.  
David Coupe, Esq.  
Jerry Hicks, Esq.

**WAIVER FORM  
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent the City of Sacramento and the Sylvia Dellar Survivors Trust (hereafter Discharger) in connection with Administrative Civil Liability Complaint R5-2012-0516 (hereafter Complaint). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served. The person who has been issued a complaint may waive the right to a hearing."

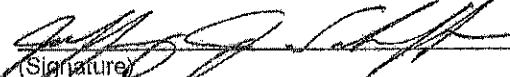
☐ **(OPTION 1: Check here if the Discharger waives the hearing requirement and will pay in full.)**

- a. I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board.
- b. I certify that the Discharger will remit payment for the proposed civil liability in the full amount of **one hundred sixty four thousand seven hundred ninety six dollars (\$164,796)** by check that references "ACL Complaint R5-2012-0516" made payable to the *State Water Pollution Cleanup and Abatement Account*. Payment must be received by the Central Valley Water Board by **9 April 2012**.
- c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after a 30-day public notice and comment period. Should the Central Valley Water Board receive significant new information or comments during this comment period, the Central Valley Water Board's Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I also understand that approval of the settlement will result in the Discharger having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
- d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Discharger to further enforcement, including additional civil liability.

☒ **(OPTION 2: Check here if the Discharger waives the 90-day hearing requirement in order to engage in settlement discussions.)** I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board within 90 days after service of the complaint, but I reserve the ability to request a hearing in the future. I certify that the Discharger will promptly engage the Central Valley Water Board Prosecution Team in settlement discussions to attempt to resolve the outstanding violation(s). By checking this box, the Discharger requests that the Central Valley Water Board delay the hearing so that the Discharger and the Prosecution Team can discuss settlement. It remains within the discretion of the Central Valley Water Board to agree to delay the hearing. Any proposed settlement is subject to the conditions described above under "Option 1."

☒ **(OPTION 3: Check here if the Discharger waives the 90-day hearing requirement in order to extend the hearing date and/or hearing deadlines. Attach a separate sheet with the amount of additional time requested and the rationale.)** I hereby waive any right the Discharger may have to a hearing before the Central Valley Water Board within 90 days after service of the complaint. By checking this box, the Discharger requests that the Central Valley Water Board delay the hearing and/or hearing deadlines so that the Discharger may have additional time to prepare for the hearing. It remains within the discretion of the Central Valley Water Board to approve the extension.

Jeffory J. Scharff, Attorney in fact on behalf of  
(Print Name and Title) Douglas M. Daggs, Trustee

  
(Signature)

April 4, 2012  
(Date)



**OFFICE OF THE  
CITY ATTORNEY**

EILEEN M. TEICHERT  
CITY ATTORNEY

ASSISTANT CITY ATTORNEY  
SANDRA G. TALBOTT

SUPERVISING DEPUTY CITY ATTORNEYS  
GERALD C. HICKS  
GUSTAVO L. MARTINEZ  
MATTHEW D. RUYAK  
BRETT M. WITTER

**CITY OF SACRAMENTO  
CALIFORNIA**

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**DEPUTY CITY ATTORNEYS**

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KOURTNEY BURDICK  
JOSEPH P. CERULLO  
SHERI M. CHAPMAN  
SARI MYERS DIERKING  
MICHAEL A. FRY  
PAUL A. GALE  
SABINA D. GILBERT  
SUSAN E. HAYES  
JEFFREY C. HEEREN  
STEVEN Y. ITAGAKI  
MARCOS A. KROFF  
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SHERYL N. PATTERSON  
JOE ROBINSON  
KATHLEEN T. ROGAN  
JANETH D. SAN PEDRO  
MICHAEL T. SPARKS  
CHANCE L. TRIMM  
LAN WANG  
DAVID S. WOMACK

April 4, 2012

Todd Del Frate  
Wendy Wyles  
California Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670

Re: Dellar Landfill Closure Plan  
Matter ID: 10-7247  
Document No.: 237326

Dear Mr. Del Frate and Ms. Wyles:

In response to the Board's ACL Complaint No. R5-2012-0516 issued to the City of Sacramento and Sylvia Dellar Survivor's Trust, the City encloses the "Waiver Form for Administrative Civil Liability Complaint" and requests a postponement of any hearing in order to discuss resolution of the items set forth in Paragraph 12 of the complaint including: failure to timely submit erosion control plans; failure to timely initiate and complete closure construction; and failure to submit a Closure Certification report.

Very truly yours,

EILEEN M. TEICHERT  
City Attorney

GERALD C. HICKS  
Supervising Deputy City Attorney

GCH/dls

Todd Del Frate and Wendy Wyles  
Re: *Dellar Landfill Closure Plan*  
April 4, 2012  
Page - 2-

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Cc: Kark Kurka, , Environmental Program Manager, General Services, City of Sacramento  
Steve Harriman, Integrated Waste General Manager, City of Sacramento  
Reina Schwartz, Director, General Services, City of Sacramento  
Jeffory J. Scharff, Attorney for Dellar Survivor's Trust

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Karl Kurka, Envir Prog Mgr - DGS  
(Print Name and Title)

[Signature]  
(Signature)

4/4/12  
(Date)

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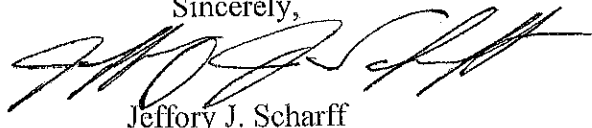
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(Print Name and Title) Douglas M. Daggs, Trustee

  
(Signature)

April 4, 2012

(Date)